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TRADE

April 5, 2019

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
650 Massachusetts Avenue, NW
Washington, D.C. 20001

The Honorable Ronald D. Vitiello
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Re: Ensuring Iraqis Are Not Deported to Face Torture or Death Based on Their Religion, Ethnicity, or Americanization

Secretary Nielsen and Acting Director Vitiello,

We write to urge you to avoid the wholesale detention or removal of Iraqis after the recent decision by the U.S. Sixth Circuit Court of Appeals in the *Hamama v. Adducci* case, which exposes an estimated 1,000 Iraqi nationals, including numerous Chaldean Christians and other religious and ethnic minorities, to immediate risk of deportation.

The *Hamama* case involves individuals who have longstanding removal orders. They came to the United States under varying circumstances—many were refugees and lawful permanent residents. They were ordered removed years, even decades, ago at a time when those removal orders meant very little, because Iraq was not allowing repatriations. Conditions in Iraq have changed dramatically since their removal orders were entered, and it would be not just unfair, but dangerous, to deport Iraqis without ensuring that their cases will be individually considered based on *current* country conditions. No one should be deported to face torture or murder. And no one should be deported without a fair process.

These Iraqis—who have deep roots, family, and employment ties in the United States—share one key commonality: they deserve to be fully and fairly considered on an individualized, case-by-case basis. They cannot and should not be treated, detained, or deported as a monolith.

We ask that the Administration use its authority and discretion to defer deporting members of this group, consider their cases one-by-one for humanitarian waivers, and allow each of them sufficient time and opportunity to seek reopening of their immigration proceedings, so that current law can be applied to current facts. These are individuals, and they each should be treated with attention to their individual circumstances.

Iraqis Have Strong Claims for Relief, But Need Time for Their Cases to Be Heard

In June 2017, U.S. Immigration and Customs Enforcement arrested hundreds of Iraqis, nationwide—most of them Chaldean Christian—and moved to deport them immediately based on final orders of removal entered years or decades earlier. The district court in *Hamama*, recognizing the grave danger the Iraqis faced if removed, temporarily paused deportations to allow those who had been detained time to seek reopening of their immigration cases so that the immigration courts could decide, on a case-by-case basis, whether deportation would be a death sentence, as well as whether other bases for relief existed.

Between June 2017 and December 2018, approximately 300 Iraqis with old removal orders who were arrested for immediate deportation had their cases reopened, something that was only possible because the *Hamama* case gave them time to do so. The immigration court process is extremely slow, and most of those cases are still ongoing. But many of the Iraqis have won relief—including not just withholding or deferral of removal under the Immigration and Nationality Act or Convention Against Torture, but reinstatement of their green cards and even naturalization. Some of those who were set for deportation to a land where torture or death awaited are now U.S. citizens. Thus, the *Hamama* case shows that having a chance to access the immigration courts matters. Iraqis with longstanding orders are reopening and winning their cases because, in fact, removal to Iraq is extremely dangerous. However, they can only do so if they can access the immigration court system in the first place.

Approximately 1,000 Iraqis have not yet had that opportunity. As a result of the Sixth Circuit's decision, which allows deportations to resume, they may never have that opportunity. The Administration must allow enough time for them to seek reopening and for the immigration courts to decide their cases. Failure to do so will result in the unfair and dangerous deportation of people who may be eligible for permanent or temporary status in the American communities they call home.

Iraqi Deportees Face Grave Danger

It is in our national interest for the Administration to use its authority and discretion to defer deporting members of this group. If removed, they will face grave danger in Iraq. Many have known no home but America for all of their adult lives. Many speak little or no Arabic and now have American citizen families. They face grave risk in Iraq because of their thorough Americanization. Many, even a majority, are members of religious minorities that face grievous persecution in Iraq; they came to the United States years ago as refugees or asylees.

Religious minorities are in particular danger, and the deportation of Chaldean Christians, a significant Iraqi religious minority, is of particular concern.¹ Chaldean Christians face active persecution in Iraq, and they will likely be subject to discrimination, violence, and possibly torture or death if deported to Iraq.^{2,3} Christians in Iraq have been the target of genocide at the hands of the Islamic State, as recognized by Secretary of State John Kerry, the European Parliament, and various other recognized and reputable international governmental and non-governmental organizations.^{4,5}

The State Department's Country Reports on Human Rights Practices for 2018 detail numerous examples of discrimination faced by Iraqi Christians. For example: "On July 23, three gunmen, whom KRG authorities said had links to a terrorist group, forcibly entered a government building in central Erbil and killed a Christian employee. Authorities stated they believed the attackers, whom police eventually killed, targeted the victim because of his religion." (For additional examples, please see the Department's full Iraq 2018 Human Rights Report.⁶)


Given the Administration's stated commitment to defending persecuted people and religious freedom around the world, we implore you to recognize the tremendous dangers that deportation would pose for this population.

The Administration Should Allow for Case-By-Case Decisions on Deportations

We are gravely concerned for the safety of these valued members of our communities. As such, we respectfully request a response to this letter by Monday, April 15, 2019 providing as much detail as possible on how the Administration plans to handle these cases moving forward. Does a deportation agreement exist between the United States and Iraq? Will the Administration defer the deportation of members of this group, give sufficient time and opportunity to seek the reopening of immigration cases, and grant humanitarian waivers on a case-by-case basis? What measures will be taken to ensure religious minorities like Chaldean Christians will not be deported into persecution or torture?


Thank you for your attention to this critically important matter. We look forward to your prompt response.


Sincerely,



ANDY LEVIN
Member of Congress


JOHN R. MOOLEENAAR
Member of Congress


JUSTIN AMASH
Member of Congress

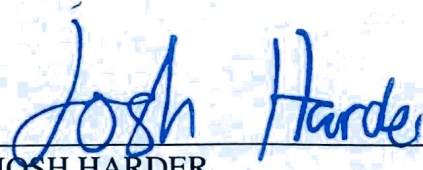

JACK BERGMAN
Member of Congress


GERALD E. CONNOLLY
Member of Congress

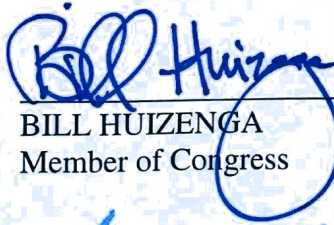

JIM COOPER
Member of Congress



DEBBIE DINGELL
Member of Congress



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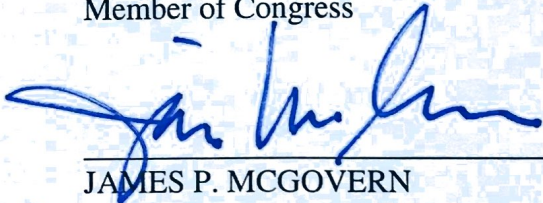
DANIEL T. KILDEE
Member of Congress



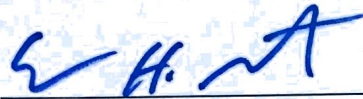
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JAMES P. MCGOVERN
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ELEANOR HOLMES NORTON
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AYANNA PRESSLEY
Member of Congress



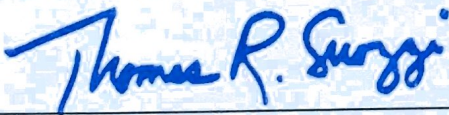
JAN SCHAKOWSKY
Member of Congress



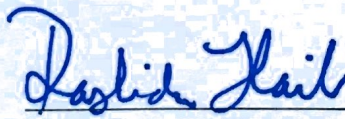
ELISSA SLOTKIN
Member of Congress



HALEY M. STEVENS
Member of Congress



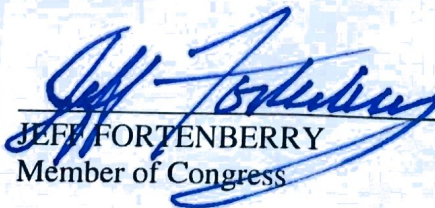
THOMAS R. SUOZZI
Member of Congress



RASHIDA TLAIB
Member of Congress



SUSAN A. DAVIS
Member of Congress



JEFF FORTENBERRY
Member of Congress

A handwritten signature in blue ink, reading "Paul Mitchell". The signature is fluid and cursive, with a large initial "P" and "M".

PAUL MITCHELL
Member of Congress

¹ European Parliament Joint Motion on the systematic mass murder of religious minorities by the so-called “ISIS/Daesh,” recalling strong condemnation of the so called ISIS/Daesh, and its egregious human rights abuses, expressing extreme concern at the terrorist group’s deliberate targeting of Christians (Chaldeans/ Syriacs/Assyrians, Melkites, Armenians), Yazidis, Turkmen, Shiites, Shabaks, Sabeans, Kaka’i and Sunnis who do not agree with their interpretation of Islam, as part of its attempts to exterminate any religious and ethnic minorities from the areas under its control. Available at http://www.europarl.europa.eu/doceo/document/RC-8-2016-0149_EN.pdf?redirect

² Eliza Griswold, “Is This the End of Christianity in the Middle East?,” *New York Times Magazine*, (July 22, 2015), (Stating that when ISIL took Mosul in 2014, the militants painted the Arabic letter “n” on Christian homes, to represent the word “Nasrene,” a Christian slur). Available at <http://nyti.ms/1HluZ9f>.

³ Greg Botelho, *Faith Turns Christians into Terrorist Targets*, CNN (Apr. 24, 2015, 8:57 PM), (Stating that ISIS offered Christian residents a choice: to convert or pay a *jizya* tax--if they refused, they would be killed, raped, or enslaved). Available at <http://cnn.it/1GrGdAN>.

⁴ Carol Morello, “Kerry declares Islamic State has committed genocide”, *The Washington Post*, (March 17, 2016). (Stating that Secretary of State John F. Kerry formally declared that the Islamic State extremist group has committed genocide against Yazidis, Christians, Shiite Muslims and other religious minorities in its rampages across the Middle East. Kerry said in a statement he read to reporters at the State Department, “Daesh’s entire worldview is based on eliminating those who do not subscribe to its perverse ideology.”) Available at https://www.washingtonpost.com/world/national-security/kerry-declares-islamic-state-has-committed-genocide/2016/03/17/35eaa5e6-ec3e-11e5-a6f3-21ccdbc5f74e_story.html?utm_term=.a25264adc459.

⁵ “Iraq,” Minority Rights Group International, 2016, declaring that “[d]espite successes in pushing back ISIL and regaining territory in the centre and west of the country,” Iraq was the “most prominent riser” in their “Peoples under Threat” rankings, which highlights countries most at risk of genocide and mass killing. Available at <http://peoplesunderthreat.org/countries/iraq/#background>.

⁶ “Country Reports on Human Rights Practice for 2018: Iraq”, U.S. Dept. of State Bureau of Democracy, Human Rights and Labor, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289207>.